REMARKS

In response to the Office Action mailed July 12, 2007, Applicants respectfully request reconsideration. To further the prosecution of this application, each of the issues raised in the Office Action is addressed herein.

Claims 1, 2, 5, 6, 8, 11-13, 17-20, 30, 33, 36, 37, 42, 45-50, 54, 55, 57, 60, 61, 85 and 86 are pending for examination, with claims 1, 30 and 37 being independent claims. In this amendment, claims 1, 30 and 37 have been amended, claims 4, 32, 41, and 63-67 have been cancelled, and no claims are added. No new matter has been added.

Claims 9, 10, 14-16, 21-29, 35, 38, 43, 51-53, 56 and 58-59 are withdrawn. These claims are entitled to consideration upon the allowance of their respective base claims (1, 30 and 37), pursuant to MPEP §806.04(d).

I.   Telephone Conference with the Examiner

Applicants' representatives Melissa A. Beede and Joseph Teja, Jr. thank Examiner Shechtman for his courtesy in granting and conducting the telephone conference held on October 5, 2007. During the telephone conference, Applicants' representatives and the Examiner discussed several formal and substantive issues raised in the Office Action, including a detailed discussion of the newly cited Sugden reference, as well as aspects of the previously cited Fleischmann and Pyle references. The substance of the telephone conference is summarized in the sections below relating to the respective issues discussed.

II.   Objection to the Drawings

The Office Action objected to the drawings under 37 C.F.R. §1.83(a) as allegedly not showing "the second device that is not coupled to the first device" recited in the claims. During the October 5th telephone conference, Applicants' representatives pointed out that this feature is shown in the drawings, e.g., as lighting controller 30 in Fig. 1. Based on this clarification, the Examiner agreed to withdraw the objection.

III.   Rejection of the Claims under 35 U.S.C. §112

The Office Action rejected claims 1, 2, 5, 6, 8, 11-13, 17-20, 30, 33, 36, 37, 42, 45-50, 54, 55, 57, 60, 61, 85 and 86 under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. In particular, the Office Action asserted that the term "directly" in claims 1, 30 and 37 is a relative term that renders the claim indefinite. During the October 5th telephone conference, Applicants' representatives pointed out that the term "directly" is not a relative term, either as described in Applicants' specification (e.g., page 16, lines 4-21; paragraph [0048] of U.S. Publication 2002-0078221-A1) or as understood in the art. Again, based on the foregoing clarification, the Examiner agreed to withdraw the rejections under §112, second paragraph.

IV.   "Format Conversion"

Notwithstanding the withdrawal of the §112, second paragraph rejection as noted above, the Examiner requested that additional limitations be added to the recitation "final data stream for directly controlling...", which appears in each of independent claims 1, 30 and 37, to further clarify this recitation. In particular, the Examiner suggested that the concept of "without format conversion," as discussed in the specification at least in page 16, lines 4-21 in connection with one possible exemplary implementation, be added to the claims. The Examiner also indicated that amendments to the independent claims along these lines would appear to patentably distinguish these claims over the presently cited Sugden, Fleischmann and Pyle references.

In view of the foregoing, each of independent claims 1, 30 and 37 has been amended to recite "final data stream for directly controlling the plurality of lights *without format conversion*." Accordingly, for at least this reason, the claims as amended and all associated dependent claims should be allowable over the presently cited references. Applicants believe that the claims as now pending are allowable for additional reasons as well, as discussed in further detail below.

V.   Rejections of the Claims Under 35 U.S.C. §102

Claims 1, 2, 5, 6, 8, 11-13, 17-20, 30, 33, 36, 37, 42, 45-50, 54, 55, 57, 60, 61, 85 and 86 (including independent claims 1, 30 and 37) were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 5,406,176 (Sugden). Claims 30, 33, 36, 37, 42, 43, 45-50, 54 and 55 (including independent claims 30 and 37) were rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent No. 5,945,993 (Fleischmann). Claims 30, 33, 36, 37, 42, 43, 45-50, 54 and 55 (including independent claims 30 and 37) were rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent No. 6,466,234 (Pyle). Applicants respectfully traverse these rejections to the extent they are maintained over the claims as amended herein.

a.   Applicants' Independent Claim 1

Applicants' claim 1 is directed to a method for executing a lighting program to control a plurality of lights, the lighting program defining a sequence of states for the plurality of lights, the method comprising acts of: (A) transferring the lighting program from a first device on which the lighting program was created to at least one computer readable medium and storing the lighting program on the computer readable medium, the lighting program being transferred in a data format having a plurality of frames, each one of the plurality of frames corresponding to one state in the sequence of states for the plurality of lights, and the lighting program being stored by storing a specific frame for each of the states, the data format representing a final data stream for directly controlling the plurality of lights without format conversion; (B) coupling the computer readable medium to a second device that is not coupled to the first device; (C) coupling the second device to the plurality of lights; and (D) executing the lighting program on the second device by reading the plurality of frames from the computer readable medium and passing the final data stream from the second device to the plurality of lights to control the plurality of lights to execute the sequence.

Claim 1 was rejected as allegedly being anticipated by Sugden. This rejection is respectfully traversed for at least the reasons set forth below.

Sugden does not disclose or suggest "executing the lighting program on the second device by reading the plurality of frames from the computer readable medium and passing the final data stream *from the second device* to the plurality of lights to control the plurality of lights to execute

the sequence," as recited in amended claim 1. During the telephone conference with the Examiner, Applicants' representatives explained that the backup system referred to in Sugden (which the Examiner alleges corresponds to the recited "second device") merely provides "cue go" commands to the lamp units, and does **not** pass a final data stream final data stream capable of directly controlling the lamp units without format conversion (Sugden at col. 4, line 68 – col. 5, line 6). The Examiner agreed, but asserted that claim 1 did not specify the device that passes the final data stream to the plurality of lights. Accordingly, Applicants have amended claim 1 to recite "passing the final data stream *from the second device.*" Accordingly, claim 1 clearly distinguishes over Sugden and is in condition for allowance.

Further, as discussed during the telephone conference with the Examiner, Sugden does not disclose or suggest "coupling the computer readable medium to a second device that is not coupled to the first device." The Office Action alleges that this limitation is met by the use of a backup computer as described in Sugden at col. 3, lines 54-56. However, Sugden does not suggest that when a backup computer is used, the primary computer is swapped out (i.e., removed and replaced by the backup computer). On the contrary, it appears that the backup computer and primary computer would remain coupled, at least via the lamp units. Furthermore, one of ordinary skill in the art would readily appreciate that, by its very nature, a backup computer normally would be coupled, at least periodically, to a primary computer so that the backup computer would know the state of the primary computer at or near to the time the services of the backup computer are required (e.g., in the event of primary computer failure). Accordingly, Sugden does not describe coupling the memory of the lamp unit to a backup system that is not coupled to the primary system.

Thus, Sugden does not disclose or suggest "executing the lighting program on the second device by reading the plurality of frames from the computer readable medium and passing the final data stream from the second device to the plurality of lights to control the plurality of lights to execute the sequence," or "coupling the computer readable medium to a second device that is not coupled to the first device," as recited in claim 1.

For at least the foregoing reasons, claim 1 patentably distinguishes over Sugden and is in condition for allowance. Also, as discussed above in Section IV, the Examiner indicated that claim

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1 as amended is allowable over Sugden at least due to the added limitation of "without format conversion." Therefore the rejection of this claim over Sugden should be withdrawn.

Claims 2, 5, 6, and 8-29 depend from claim 1 and are allowable over Sugden at least based on their dependency.

b. Applicants' Independent Claim 30

Applicants' claim 30 is directed to a computer readable medium encoded with a lighting program that, when executed, controls a plurality of lights and defines a sequence of states for the plurality of lights, the lighting program being encoded in a data format that represents a final data stream for directly controlling the plurality of lights without format conversion, the data format having a plurality of frames, each one of the plurality of frames corresponding to one state in the sequence of states for the plurality of lights, wherein encoding the computer readable medium includes storing a specific frame for each of the states, the data format representing a final data stream for directly controlling the plurality of lights to execute the sequence.

Claim 30 was rejected as allegedly being anticipated by each of Sugden, Fleischmann and Pyle. These rejections are respectfully traversed for the reasons explained below in connection with each reference.

1. Sugden

Sugden does not disclose or suggest a "lighting program being encoded in a data format that represents a final data stream for directly controlling *the plurality of lights* without format conversion," as recited in amended claim 30. The Office Action alleges that the "lighting program" of claim 30 corresponds to the data file that records all of the cue parameters of an individual lamp unit in Sugden. However, each such data file is used to control a *single lamp*; namely, the lamp associated with that lamp unit's internal memory (Sugden at col. 3, lines 17-22).

In view of the foregoing, Sugden does not disclose or suggest "the lighting program being encoded in a data format that represents a final data stream for directly controlling the plurality of lights without format conversion," as recited in claim 30.

For at least this reason, claim 30 patentably distinguishes over Sugden and is in condition for allowance. Also, as discussed above in Section IV, the Examiner indicated that claim 30 as amended is allowable over Sugden at least due to the added limitation of "without format conversion." Therefore the rejection of this claim over Sugden should be withdrawn.

Claims 33, 35, 36 and 85 depend from claim 30 and are allowable over Sugden at least based on their dependency.

2. Fleischmann

In response to Applicants' arguments in the Amendment dated May 23, 2006 that Fleischmann does not disclose or suggest a lighting program encoded in a data format that represents a final data stream for directly controlling the plurality of lights, the Office Action asserted in the "Response to Arguments" section of outstanding Office Action that the lighting program of claim 30 is being read on the web browser of Fleischman.

However, Applicants believe that the lighting program of claim 30 cannot properly be read on the web browser of Fleischmann. In particular, the web browser is not "encoded in a data format that represents a final data stream for directly controlling the plurality of lights without format conversion," as recited in claim 30. In Fleischmann, the lighting control form 66 displayed by the web browser 22 is encoded as an HTML file 44 (Fleischmann at col. 4, lines 33-40). The HTML file 44 is not a data format that represents a final data stream for directly controlling the plurality of lights without format conversion.

Further, the web browser is not "encoded in a data format ... having a plurality of frames, each one of the plurality of frames corresponding to one state in the sequence of states for the plurality of lights," as recited in claim 30. The Office Action alleges that the "frames" recited in claim 30 correspond to the different zones 72 of the floor plan 70 shown in Fig. 2 of Fleischmann. However, as discussed during the October 5th telephone conference, each of zones 72 does not correspond to one state in a sequence of states for the plurality of lights.

Thus, Fleischmann does not disclose or suggest "the lighting program being encoded in a data format that represents a final data stream for directly controlling the plurality of lights without format conversion" or "the lighting program being encoded in a data format... having a plurality of

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frames, each one of the plurality of frames corresponding to one state in the sequence of states for the plurality of lights," as recited in claim 30.

In view of the foregoing, claim 30 patentably distinguishes over Fleischmann and is in condition for allowance. Therefore the rejection of this claim over Fleischmann should be withdrawn.

Claims 33, 35, 36 and 85 depend from claim 30 and are allowable over Fleischmann at least based on their dependency.

3. Pyle

In response to Applicants' arguments in the Amendment dated May 23, 2006 that Pyle does not disclose or suggest a lighting program encoded in a data format that represents a final data stream for directly controlling the plurality of lights, the Office Action asserted in the "Response to Arguments" section of outstanding Office Action that the lighting program of claim 30 is being read on "either of a scroll bar for setting the brightness level or a function that loops selecting each circuit in the scene to put the circuit in its target state" described Pyle.

However, Applicants believe that the lighting program of claim 30 cannot properly be read on the scroll bar 102 shown in Fig. 1 or the enable scene function shown in Fig. 11. In particular, neither is "encoded in a data format that represents a final data stream for directly controlling the plurality of lights without format conversion," as recited in claim 30. In whatever data format the scroll bar 102 and the enable scene function are encoded within the user control point device of Pyle (Pyle is silent on this point), there is simply nothing to suggest that it may be used to directly control the plurality of lights without format conversion.

Further, neither the scroll bar 102 nor the enable scene function is "encoded in a data format … having a plurality of frames, each one of the plurality of frames corresponding to one state in the sequence of states for the plurality of lights," as recited in claim 30. Again, Pyle is silent as to the data format used to encode the scroll bar 102 and the enable scene function within the user control point device. However, whatever the format, it certainly would not have a plurality of frames each corresponding to one state in a sequence of states for the plurality of lights.

Thus, Pyle does not disclose or suggest "the lighting program being encoded in a data format that represents a final data stream for directly controlling the plurality of lights without format conversion" or "the lighting program being encoded in a data format... having a plurality of frames, each one of the plurality of frames corresponding to one state in the sequence of states for the plurality of lights," as recited in claim 30.

In view of the foregoing, claim 30 patentably distinguishes over Pyle and is in condition for allowance. Therefore the rejection of this claim over Pyle should be withdrawn.

Claims 33, 35, 36 and 85 depend from claim 30 and are allowable over Pyle at least based on their dependency.

c.   Applicants' Independent Claim 37

Applicants' claim 37 is directed to an apparatus for executing a lighting program to control a plurality of lights, the lighting program defining a sequence of states for the plurality of lights, the apparatus comprising: at least one storage medium to store the lighting program in a data format having a plurality of frames, each one of the plurality of frames corresponding to one state in the sequence of states for the plurality of lights, and the lighting program being stored by storing a specific frame for each of the states, the data format representing a final data stream for directly controlling the plurality of lights without format conversion; a network output port for providing an external interface to directly communicate with the plurality of lights; and at least one controller that executes the lighting program by reading the plurality of frames from the at least one storage medium and passing the final data stream to a network output port, which in turn passes the final data stream to the plurality of lights to control the plurality of lights.

Claim 37 was rejected as allegedly being anticipated by each of Sugden, Fleischmann and Pyle. These rejections are respectfully traversed for the reasons explained below in connection with each reference.

1.   Sugden

Sugden does not disclose "a network output port for providing an external interface to directly communicate with the plurality of lights; and at least one controller that executes the

lighting program by reading the plurality of frames from the at least one storage medium and passing the final data stream to the network output port," as recited in amended claim 37. The microprocessor 303 internal to each lamp unit enclosure 300 of Sugden is coupled to a *single lamp* 326 (Sugden at col. 3, lines 17-22 and Figs. 3A-3B). Thus, Sugden cannot disclose the network output port recited in claim 37.

For at least this reason, claim 37 patentably distinguishes over Sugden and is in condition for allowance. Also, as discussed above in Section IV, the Examiner indicated that claim 37 as amended is allowable over Sugden at least due to the added limitation of "without format conversion." Therefore the rejection of this claim over Sugden should be withdrawn.

Claims 38, 42, 43, 45-61 and 86 depend from claim 37 and are allowable over Sugden at least based on their dependency.

2. Fleischmann

For reasons similar to those discussed above in connection with claim 30, Fleischmann does not disclose or suggest "at least one storage medium to store the lighting program in a data format… representing a final data stream for directly controlling the plurality of lights without format conversion," as recited in claim 37.

In addition, for reasons similar to those discussed above in connection with claim 30, Fleischmann does not disclose or suggest "at least one storage medium to store the lighting program in a data format having a plurality of frames, each one of the plurality of frames corresponding to one state in the sequence of states for the plurality of lights," as recited in claim 37.

In view of the foregoing, claim 37 patentably distinguishes over Fleischmann. Therefore the rejection of this claim over Fleischmann should be withdrawn.

Claims 38, 42, 43, 45-61 and 86 depend from claim 37 and are allowable over Fleischmann at least based on their dependency.

3. Pyle

For reasons similar to those discussed above in connection with claim 30, Pyle does not disclose or suggest "at least one storage medium to store the lighting program in a data format…

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representing a final data stream for directly controlling the plurality of lights without format conversion," as recited in claim 37.

In addition, for reasons similar to those discussed above in connection with claim 30, Pyle does not disclose or suggest "at least one storage medium to store the lighting program in a data format having a plurality of frames, each one of the plurality of frames corresponding to one state in the sequence of states for the plurality of lights," as recited in claim 37.

In view of the foregoing, claim 37 patentably distinguishes over Pyle. Therefore the rejection of this claim over Pyle should be withdrawn.

Claims 38, 42, 43, 45-61 depend from claim 37 and are allowable over Pyle at least based on their dependency.

VI.   Rejections of Claims under 35 U.S.C. §103

Claims 57, 60 and 61 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over Fleischmann or Pyle in view of U.S. Patent No. 5,769,527 (Taylor). Applicants respectfully traverse these rejections. In any case, these rejections are believed to be moot in view of the remarks above, as each of these claims depends from a base claim that is believed to be in allowable condition.

VII.   General Comments on Dependent Claims

Since each of the dependent claims depends from a base claim that is believed to be in condition for allowance, Applicants believe that it is unnecessary at this time to argue the allowability of each of the dependent claims individually. However, Applicants do not necessarily concur with the interpretation of the dependent claims as set forth in the Office Action, nor do Applicants concur that the basis for the rejection of any of the dependent claims is proper. Therefore, Applicants reserve the right to specifically address the patentability of the dependent claims in the future, if deemed necessary.

Conclusion

It is respectfully believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment set forth in the Office Action does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Furthermore, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify any concession of unpatentability of the claim prior to its amendment.

In view of the foregoing amendments and remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicants' representative at the telephone number indicated below to discuss any outstanding issues relating to the allowability of the application.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicants hereby request any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,
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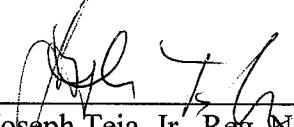
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Attorney Docket No.: C1104.70001US00
Date: October 12, 2007

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